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June 16, 2004

RECEIVED

JUN 16 2004

PUBLIC SERVICE
COMMISSION

HAND DELIVERY

Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RE: In the Matter of: Kidz Capitol and James Pratt v. Louisville Gas and Electric Company
Case No. 2003-00369

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten (10) copies of Louisville Gas and Electric Company's Motion for an Order Suspending Procedural Schedule, Compelling Response to Interrogatories and Directing Kidz Capitol and James Pratt to Show Cause Why This Proceeding Should Not Be Dismissed with Prejudice in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copy and return it to me in the enclosed self-addressed stamped envelope.

Should you have any questions or need any additional information, please contact me at your convenience.

Very truly yours,

Allyson K. Sturgeon

AKS/ec

Enclosures

cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 16 2004

IN THE MATTER OF:

KIDZ CAPITOL and JAMES PRATT

COMPLAINANTS

v.

LOUISVILLE GAS AND ELECTRIC COMPANY

DEFENDANT

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CASE NO. 2003-00369

**PUBLIC SERVICE
COMMISSION**

**MOTION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR AN ORDER SUSPENDING PROCEDURAL SCHEDULE,
COMPELLING RESPONSE TO INTERROGATORIES, AND
DIRECTING KIDZ CAPITOL AND JAMES PRATT TO SHOW CAUSE
WHY THIS PROCEEDING SHOULD NOT BE DISMISSED WITH PREJUDICE**

Louisville Gas and Electric Company ("LG&E"), by counsel, moves the Kentucky Public Service Commission ("Commission") to issue an order in the above-captioned proceeding suspending generally the procedural schedule, compelling Kidz Capitol, Inc. ("Kidz Capitol") and James Pratt ("Mr. Pratt") to respond to interrogatories tendered by LG&E within ten business days, and directing Kidz Capitol and Mr. Pratt to show cause why this proceeding should not be dismissed with prejudice. In support of this Motion, LG&E states as follows:

(1) On June 2, 2004, pursuant to the Commission's Order of May 19, 2004, LG&E sent interrogatories to Kidz Capitol (via its most recently-listed registered agent, Angela Porter) and Mr. Pratt by certified mail to 522-524 West Main Street, Louisville, Kentucky 40202. To date, LG&E has not yet received the return receipts, nor has it received any response from either Kidz Capitol or Mr. Pratt to the discovery requests.

(2) Citing the facts that Kidz Capitol had not stayed current on its bills and had not timely filed a response to a Commission Staff Data Request, the Commission directed that Kidz Capitol's failure to comply with all terms of its Order of January 16, 2004 would result in dismissal of the case with prejudice.

(3) Neither Kidz Capitol nor Mr. Pratt has made any filing with the Commission since January 28, 2004.

(4) According to the Kentucky Secretary of State's web site, Kidz Capitol is in inactive status and in bad standing, and was administratively dissolved on November 1, 2003. See attached printout from the Kentucky Secretary of State's Online Business Database ([http://www.sos.state.ky.us/obdb/\(otaeobfipzqqcu3hvlmw0aqg\)/showentity.aspx?id=0544572&ct=09&cs=999999](http://www.sos.state.ky.us/obdb/(otaeobfipzqqcu3hvlmw0aqg)/showentity.aspx?id=0544572&ct=09&cs=999999)).

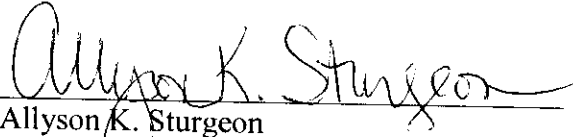
(5) Pursuant to the Commission's Order of May 19, 2004, parties must file the direct testimony of any witnesses they expect to call at the hearing by June 16, 2004. Because LG&E has not received responses to their interrogatories, it is unable to prepare its testimony at this time. Therefore, LG&E moves the Commission to suspend generally the procedural schedule in this matter until Kidz Capitol and Mr. Pratt file their responses to the tendered interrogatories.

(6) LG&E also moves the Commission to compel Kidz Capitol and Mr. Pratt to file a response to the interrogatories tendered by LG&E within ten business days and to issue an Order directing Kidz Capitol and Mr. Pratt to show cause why this proceeding should not be dismissed with prejudice for failure to comply with the Commission's Order of May 19, 2004.

WHEREFORE, Louisville Gas and Electric Company respectfully moves the Commission for an order suspending the procedural schedule generally in the above captioned proceeding, compelling Kidz Capitol and Mr. Pratt to file a response to LG&E's interrogatories,

and directing Kidz Capitol and Mr. Pratt to show cause why this proceeding should not be dismissed with prejudice for failure to comply with the Commission's Order.

Respectfully submitted,

A handwritten signature in black ink, reading "Allyson K. Sturgeon". The signature is fluid and cursive, with the first name "Allyson" being more prominent than the last name "Sturgeon".

Allyson K. Sturgeon
Ogden, Newell & Welch
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500 West Jefferson Street
Louisville, KY 40202-2874
(502) 582-1601

James Dimas
Corporate Attorney
LG&E Energy LLC
220 West Main Street
Louisville, Kentucky 40202

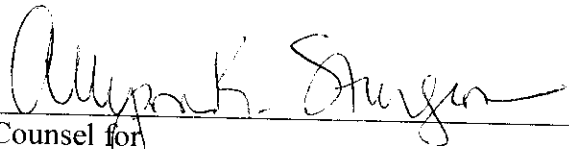
COUNSEL FOR
LOUISVILLE GAS AND ELECTRIC
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2004, a copy of the foregoing motion was mailed, postage pre-paid, and by certified mail, to the following:

James W. Pratt
522-524 West Main Street
Louisville, KY 40202

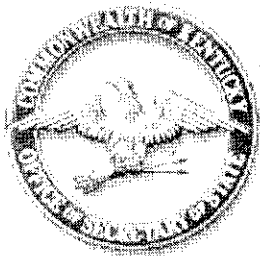
Kid'z Capitol, Inc.
c/o Angela Porter, Registered Agent
522-524 West Main Street
Louisville, KY 40202



Counsel for
Louisville Gas and Electric Company

[Kentucky.gov](http://kentucky.gov)

The Official State Website for the Secretary of the Commonwealth of Kentucky

**KENTUCKY SECRETARY OF STATE****Trey Grayson***"Making Kentucky Business-Friendly and Government User-Friendly."*[Online Business Database Home](#) [Secretary of State Home](#)[New Search](#)[Show Activities Below](#)[Hide List of Microfilm](#)[Printable Version of this page](#)

Organization Number 0544572
Name KID'Z CAPITOL, INC.
Profit or Non-Profit N - Non-profit
Company Type KCO - Kentucky Corporation
Status I - Inactive
Standing B - Bad
State KY
File Date 9/16/2002
Organization Date 9/16/2002
Last Annual Report N/A
Principal Office 522-524 WEST MAIN STREET
LOUISVILLE, KY 40202
Registered Agent ANGELA PORTER
522-524 WEST MAIN STREET
LOUISVILLE, KY 40202

Incorporators and Initial Directors

Incorporator ANGELA PORTER
Director CHERYL ANDERSON
Director ANGELA PORTER
Director JAMES W. PRATT

This organization has no assumed names**Microfilm Images****Microfilm images are not available online. They can be ordered by**

calling the Corporate Records Branch at 502-564-7330.

11/1/2003	1 page	Administrative Dissolution
9/16/2002	5 pages	Articles of Incorporation

Show Activities Below

Hide List of Microfilm

New Search

⚠ Liability Statement

While the Kentucky Secretary of State's Office makes all reasonable efforts to ensure the accuracy of information contained on its web site, it makes no representation or warranty as to the correctness of the information. All critical information should be independently verified.

If you have questions or comments about the Online Business Database services, please contact GHance@mail.sos.state.ky.us

If you have questions or comments about the Secretary of State's web site, please contact webmaster@mail.sos.state.ky.us

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